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March 10, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Mr. Caton

Submitted herewith on behalf of Linohau Entertainment are an original and four copies of a Petition for Rulemaking proposing an amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules to allot Channel 251C for use at Lihue Kauai, Hawaii.

Any questions pertaining to this matter should be addressed to undersigned counsel.

Very truly yours


Richard A. Helmick

Enclosure

cc: Victoria McCaulley, FCC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)
)
 Amendment of Section 73.202(b),) RM-
 Table of Allotments,)
 FM Broadcast Stations)
 Lihue Kauai, Hawaii)

To: Chief, Mass Media Bureau

PETITION FOR RULEMAKING

Linhau Entertainment ("Petitioner"), through its attorneys and pursuant to Sections 1.419 and 1.420 of the Commission's Rules, hereby requests that the Table of Allotment for FM broadcast stations, Section 73.202(b) of the Commission's Rules, be amended as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Lihue Kauai, Hawaii	228C1, 245C1	228C1, 245C1, 251C

In support thereof, the following is set forth.

1. Attached is the Engineering Statement of Caughill-Palitz, Inc. which supports the allocation of Channel 251C at Lihue. The proposed channel allocation complies with the minimum separation requirements and can be effected without any site restriction.

2. Petitioner submits that the proposed amendment of the FM Table of Allotments would serve the public interest. If the allocation proposal is adopted, Petitioner will apply to construct on such allocation. Accordingly, the Commission is respectfully

requested to issue a Notice of Proposed Rulemaking to implement the instant petition.

Respectfully submitted

LINOHOU ENTERTAINMENT

By 
Richard A. Helmick, Esq.

COHN AND MARKS
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(202) 293-3860

Its Attorneys

March 10, 1994

Linochau Entertainment

Separation Study

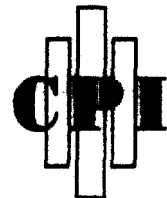
Petition to Amend the Table of Allotments

Channel 251, Lihue Kauai, Hawaii

February 16, 1994

Caughill-Palitz, Inc., Honolulu, Hawaii 96826

1750 Kalakaua Ave. #3-120 (800) 222-4274 / (808) 941-3618



Linoau Entertainment
Separation Study - Petition to Amend the Table of Allotments
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February 16, 1994

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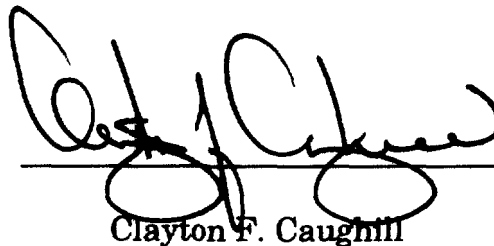
- Declaration
 - Use Restrictions
 - Statement of Circumstances
 - Narrative Statement - Separation Study
 - Summary
 - Attachments
- FM Spacing Study - Computer Print

Linohau Entertainment
Separation Study - Petition to Amend the Table of Allotments
Channel 251, Lihue Kauai, Hawaii
February 16, 1994

Declaration

I, Clayton F. Caughill, declare and state that I am certified by the Society of Broadcast Engineers as a Professional Broadcast Engineer, the holder of an FCC General Radiotelephone Certificate, and that my qualifications are known to the Federal Communications Commission, and that I am President of the firm Caughill-Palitz, Inc. and that firm has been retained by Linohau Entertainment for the purpose of determining the technical feasibility of assigning Channel 251C at Lihue, Kauai, Hawaii.

All facts contained herein are true of my own knowledge except wherein stated to be on information and belief, and as to those facts, I believe them to be true.

A handwritten signature in black ink, appearing to read 'Clayton F. Caughill', is written over a horizontal line. The signature is stylized with large loops and a prominent 'C' at the beginning.

Clayton F. Caughill

Executed on the 16th day of February, 1994

Linochau Entertainment
Separation Study - Petition to Amend the Table of Allotments
Channel 251, Lihue Kauai, Hawaii
February 16, 1994

Use Restrictions

The information contained in this study was prepared for the sole use of Linochau Entertainment in petitioning the Federal Communications Commission to amend the Table of Allotments, assigning Channel 251C to Lihue, Kauai, Hawaii.

The copying, duplication or other such transfer of these materials or the information contained herein, either whole or in part, is prohibited without the express written consent of Caughill-Palitz, Inc., save for the following two exceptions:

1. Use by the Federal Communications Commission pursuant to their processing and otherwise deciding upon the merits of the above-described petition; and,
2. The duplication of these materials for the sole purpose of examination by parties interested in the nature of this petition.

Any other use of these materials, including the complete or partial incorporation of photocopies or data into other FCC applications or petitions, may cause Caughill-Palitz, Inc. to pursue all legal and administrative remedies available, including but not limited to civil suit(s) and the Petition(s) to Deny or Oppose the offending application(s) and/or petition(s).

Linochau Entertainment
Separation Study - Petition to Amend the Table of Allotments
Channel 251, Lihue Kauai, Hawaii
February 16, 1994

Statement of Circumstances

The State of Hawaii is divided into four counties. Kauai County is made up of the islands of Kauai and Niihau. Kauai is the northernmost of the four major islands in the Hawaiian chain. Niihau is a privately owned island occupied by 210 indigenous Hawaiians with access to this island by non-residents prohibited.

The island of Kauai contains 1,605.3 square kilometers in land area. This island received nationwide attention in 1992, when it was devastated by Hurricane Iniki. Kauai island's population of 50,700 is rebuilding and has come to depend heavily upon radio as the main source of local information as well as entertainment. Television is provided by translators from stations serving Oahu, and those same services brought in via cable. Population is centered at Lihue, the county seat, and extends to the Barking Sands Missile Test Range to the North and to beyond Princeville on the opposite end of the roadway that serves as the physical link for the island residents and as the major route of commerce.

Placing a new Class C FM Channel at Lihue offering sufficient coverage to reach the majority of island population, will serve the public interest by providing a source of emergency information in time of natural disaster as well as an additional source of locally transmitted entertainment and information.

This study will demonstrate that the proposed amendment meets all FCC requirements with respect to separation from other facilities. The petitioner will file a construction permit application specifying Class C facilities when the amendment to the Table of Allotments becomes effective.

Linohau Entertainment
Separation Study - Petition to Amend the Table of Allotments
Channel 251, Lihue Kauai, Hawaii
February 16, 1994

SEPARATION STUDY - NARRATIVE STATEMENT

Reference Coordinates

The petitioner seeks amendment of the Table of Allotments to provide for location of Channel 251C at Lihue, Kauai, Hawaii. A study was made using the geographical coordinates for Lihue per CFR Section 73.208(a)(1). The channel met all spacing criteria using those coordinates and indicated that a Class C facility on this channel could be constructed at any location on the island of Kauai. Reference coordinates for Lihue show a clearance distance of over 68 km beyond any required separation requirement to any adjacency per section 73.206 of the Commission's Rules.

Search Area

Only facilities and allotments within the State of Hawaii are considered in this study. Lihue is over 3,900 km from Los Angeles, CA, and over 3,700 km from San Francisco, CA. There are no land areas under FCC jurisdiction with FM allotments within 3,500 km. of Hawaii.

Spacing Study

The Attachment is a spacing study done by computer utilizing the FCC database. The computer program has retrieved all records pertinent to the study, which consist of all geographically "close" records for the same channel (co-channel), 1, 2, or 3 channels removed (1st, 2nd, & 3rd adjacent), and 53 or 54 channels removed (intermediate frequency). Records were retained which fell within the commercial spacing table from the FCC rules with the addition of a safety zone specified at the time the program was run. If no records were found within this distance, the nearest record for that channel was retrieved. If no records were found within 3500 km., the channel was simply identified as clear without further notation.

The records have been sorted by channel and printed on the attached report. Each facility record entry on the attached report is accompanied by a required separation distance. This value is selected from the separation table from the FCC rules.

Summary

Analysis of the attached spacing study shows that the proposed allocation of Channel 251C for Lihue, Kauai, Hawaii exceeds all of the Commission minimum distance separation requirements by a substantial margin. The Table of Allotments should be amended to reflect this substitution without site restriction.

FM Spacing study

Title: Linochau Entertainment, Lihue Kauai, HI.
Channel 251C (98.1 MHz)
Database: FCC 10/26/93

Latitude: 21-58-48
Longitude: 159-22-30
Safety zone: 135 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
=====								
ALLOC			248C1		21-17-37	115.4	175.9	105
Honolulu	HI		97.5		157-50-32	296.0	70.94	CLEAR
Coordinates updated from LIC record			BLH820713AC					
KPOI-FM LIC	Kilohana Broadcasting, I	248C1	80	21-17-37	115.4	175.9	105	
Honolulu	HI BLH-820713AC	97.5	14	157-50-32	296.0	70.94	CLEAR	
KKBG	APC Brewer Broadcasting Corp	250C1	100	19-35-12	122.5	485.5	209	
Hilo	HI BPH-901224II	97.9	175	155-28-05	303.9	276.5	CLEAR	
From channel 250C2 per D89-127								
KMVI-FM LIC	Obie Broadcasting of Ma	252A	3	20-46-45	112.4	342.6	165	
Pukalani	HI BLH-840626CC	98.3	-189	156-19-51	293.5	177.6	CLEAR	
KHHH	CP KHVH, Inc.	253C1	51	21-18-49	115.1	173.1	105	
Honolulu	HI BPH-920123JG	98.5	18	157-51-43	295.6	68.14	CLEAR	
ALLOC		253C1		21-17-41	115.7	173.9	105	
Honolulu	HI	98.5		157-51-49	296.3	68.89	CLEAR	
KHHH	CP KHVH, Inc.	253C1	100	21-17-59	115.5	174.1	105	
Honolulu	HI BPH-870114JW	98.5	-84	157-51-33	296.0	69.06	CLEAR	

>> End of channel 251C study <<

CERTIFICATE OF SERVICE

I, Jovana M. Cooke, a secretary in the law firm of Cohn and Marks, hereby certify that I have this 10th day of March, 1994, caused to be hand delivered, a copy of the foregoing **PETITION FOR RULEMAKING** to the following:

Victoria McCaulley
Acting Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554


Jovana M. Cooke